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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,539	12/27/2001	Sang Jun Choi	K-0368	9460
34610 7590 01/08/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER WONG, WARNER	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/026,539

Applicant(s)

CHOI, SANG JUN

Examiner

Warner Wong

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4,6,8,9,11,15,16 and 20.
Claim(s) withdrawn from consideration: _____.

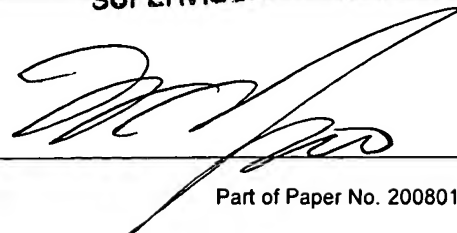
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

**KWANG BIN YAO
SUPERVISORY PATENT EXAMINER**



Continuation of 11. does NOT place the application in condition for allowance because: On pp. 8-9, the applicant compares the novelty of the instant application using an attached appendix. Yet such appendix is not available to the Examiner. Hence, the examiner relied only upon the remarks.

From p. 9 paragraph 4 to p. 10 paragraph 4, the applicant summarizes on how the instant application differs from the Peterson reference "alone", WHICH THE EXAMINER AGREES: the Peterson reference does not group AAL packets (e.g. for long packets such as video) of the SAME destinations to be multiplexed into the payload of the AAL2' cell and transmitted to the other board of the base station. HOWEVER, the claim language in the independent claims 1, 6, 11 and 16 can be BROADLY interpreted where the reference(s) of Peterson (et al) may fulfill their limitations; the elaborated description from the argued comparison is NOT claimed.

From p. 11 paragraph 2, the applicant argues " the applied references do not teach or suggest at least these features of independent claim 1, which includes features of dependent claim 5". The examiner respectfully disagrees.

Claim 5 states that "each of the one or more AAL cells include an ATM header and a Start of Packet field to indicate a starting location of an ith AAL packet." The examiner further cites fig. 4 that a generated AAL2' cell (fig. 4, 20'.sub.4-1) include an ATM header (fig. 4, ATM_H 22'.sub.4-1) and a Start of Packet field (fig. 4, AA2_H 3 bytes) to indicate a starting location of an (ith) AAL packet." It is noted that the argued claim limitations is BRIEF and can be alternatively interpreted to indicate where the starting location of an AAL packet may be WITHIN THE ATM CELL.

On p. 12 paragraph 2, the applicant re-argues that AAL cells are not generated by "multiplexing" N AAL packets. Similarly, from p. 12 paragraph 3 onto p. 14, the applicant re-argues that the AAL cells are received at the other end and the original user data is "restored by demultiplexing". This same argument has been responded in the previous Office Actions and will not be addressed repeatly. Note that the limitation "original user data" does not have to be interpreted as a long packet such as video (not in claim language but described above for the difference comparison); "original user data" can be interpreted as a SINGLE wireless short packet's content sent by a mobile and received by the BS (fig. 7, BS 42). Thus, restoring the original users data can equate to restoring the PAYLOAD/CONTENTS of a short AAL packet. Hence, regarding the argument "Peterson does not teach or suggest an AAL2 transmitter to receive the restored original user data set form the AAL receiver" is incorrect because fig. 4 & 7B shows that the CHU 42-32 receives AAL2' cells and recovers individual AAL2 headers& payloads within the AAL2' cells.

On p. 16 paragraph 3, the applicant argues regarding claims 4 and 14 that Strawczynski fails to "teach or suggest an AAL packet header that includes a C-FLAG field indicating whether the ith data subset represents an Nth data subset." The examiner respectfully disagrees. Again, the examiner has a different interpretation of the claim language: the limitations are interpreted as: including a predesignated field indicating whether the ith data represent the Nth ($1 < i \leq N$ where N is the last integer; thus N represents the last sequence value, i.e. "last cell"). It is advised that the dependent claims should be elaborated to overcome such BROAD interpretations.

The arguments regarding independent claims 6, 11 and 16 on pp. 14-15 and 17-18 are similar to the combination of arguments above which are addressed.